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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/471,501 12/23/99 BOILLEY

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EXAMINER

PECHHOLD, A

ART UNIT

PAPER NUMBER

3673  
DATE MAILED:

02/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

**Office Action Summary**

Application No.

09/471,501

Applicant(s)

BOILLEY, FRANCIS

Examiner

Alexandra K. Pechhold

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 3673.

#### ***Information Disclosure Statement***

1. The listing of references in the specification (page 3, lines 10 and 18) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: in line 9, "D" should be placed in parentheses, and furthermore should be set forth in line 2 after "great water depth" where it is first introduced.
3. Claim 2 is objected to because of the following informalities:
- There appears to be no "(d)" between "(c)" and "(e)".
  - It appears that "a" should be inserted in line 15 after "selecting".
  - To provide clarity to the claim, the abbreviations such as "Ph", "Pint", "courbmax", "Dr", etc. should be in parentheses, or removed entirely since they are not necessary.

- In line 5 of part (e), "er" should be deleted.

Appropriate corrections are required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 2 recites the limitations "the extreme motions" in line 12, "the pre-established motions" in line 17, "the maximum allowable curvature courbmax" in line 20, "the conditions of use" in line 21, "the distance" in line 2 of page 22, and "the thickness thereof" in line 5 of page 22, "the hydrodynamic strains" in lines 6-7 of page 22, and "the strains" in line 7 of page 22. There is insufficient antecedent basis for these limitations in the claim.
6. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The reference to "its" in line 2 on page 22 is indefinite, since it is unclear as to what length is being selected. The recitation "possibly" in line 11 of page 22 is indefinite, since it is unclear what is included in the limitations of the claim. The term "courbmax" in line 20 is unfamiliar, and should be defined in the claim or specification.

7. Regarding claim 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

8. Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The reference to "it" in claim 10, line 8 is indefinite, since it is unclear as to what "it" refers to.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-5 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moses et al (US 5,615,977).

10. Regarding claim 1, Moses discloses the limitations of the claimed invention except for the rigid part having a length at least equal to half of the water depth. Moses discloses a continuous bend flexible/rigid riser system for coupling a subsea location to an offshore platform or vessel comprising a first rigid pipe section (28) coupled at its upper end to the platform and lower end to a flexible section, seen as a plurality of intermediate pipe sections (30) coupled to one another and to the upper pipe section (28) by means of flexible couplings (32) as shown in Fig. 2 (Col 4, lines 54-59 and

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abstract). Moses states in column 5, lines 21-30 that in the riser system (10) design, the object is to reduce the bending stresses transmitted to the pipe sections (28) and (30) to levels below the material limits for the pipe utilized by optimizing the riser design. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the length of the rigid section to be at least equal to half the water depth, since finding the optimum length to reduce the bending stresses transmitted to the pipe sections is a design choice within ordinary skill in the art.

11. Regarding claims 2-5, the applicant claims a process used to achieve the product of claim 1. The method of forming the device is not germane to the issue of patentability of the device itself. Therefore, the limitations in claims 2-5 have not been given patentable weight.

12. Regarding claim 7, Moses discloses a holding means as flexible coupling (24), which is provided adjacent the upper end (14) of the riser (12) and serves to attach the riser (12) to the platform (16) (Col 4, lines 31-44). The weight of the riser (12) itself generally suffices to maintain tension on the riser (12) (Col 3, lines 63-65).

13. Regarding claims 8 and 9, Moses discloses a riser system for coupling a subsea drilling or storage point to a floating vessel (Col 1, lines 8-9). Coupling lines, or "risers", notes Moses, are required for the delivery of fluid to and from the subsea location (Col 1, lines 16-19).

14. Regarding claim 10, Moses discloses one riser, seen as riser (12).

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15. Regarding claim 11, Moses depicts a modified catenary configuration in Fig. 2, wherein the catenary anchor system is shown as tension member (46) attached to the riser (12) and the seabed (20) at an anchoring point (44) (Col 6, lines 26-35).

16. Regarding claim 12, Moses discloses additional means for tensioning the riser in column 4, lines 8-11) in disclosing tension members, such as mooring lines and anchor lines.

17. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moses et al (US 5,615,977) as applied to claim 1 above, and further in view of Willis (EPO 0467635 A2). Moses discloses the limitations of the claimed invention except for heat insulation means placed on at least the rigid part and/or flexible part. Willis teaches thermally insulating compositions and a method of insulating pipeline bundles and pipeline riser caissons. Willis states that it is necessary to insulate pipelines in order to prevent the temperature of the fluid traveling through the pipeline from significantly dropping, and that it is known to apply an inner or outer insulating layer to pipelines (page 2, lines 4-23). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the rigid or flexible part of Moses to have heat insulation means as taught by Willis, since Willis states on page 2, lines 4-23 that it is necessary to insulate pipelines in order to prevent the temperature of the fluid traveling through the pipeline from significantly dropping, and that it is known to apply an inner or outer insulating layer to pipelines.

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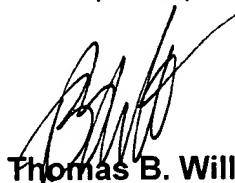
**Conclusion**

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ledgerwook, Jr. (US 3,461,916), Jacobsen et al (US 6,146,052), and Milton (US 4,266,886) disclose flexible flowlines. Arlt, III et al (US 5,951,061) discloses a subsea flex joint and swivel for offshore risers. Odru et al (US 5,971,075) discloses a production riser. Brown et al (US 5,505,56) and Maloberti et al (US 4,906,137) disclose fluid transfer systems for an offshore floating unit. Falcimaigne (US 4,462,717) and Stewart, Jr. et al (US 6,030,145) disclose risers. Arnaudeau (US 4,371,037) and Forsyth et al (US 5,007,482) disclose offshore oil production. Genini et al (US 4,570,716) discloses a system of liason between a wellhead and surface support.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

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2/5/01